

REMARKS/DISCUSSION OF ISSUES

Claims 1 and 3-19 remain pending in the application. Claims 3-5 are amended for non-statutory reasons, to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

35 U.S.C. § 102/103

The Office Action rejects claims 1 and 3-5 under 35 U.S.C. § 102 and 103 over Morimoto et al. U.S. Patent No. 4,542,317 ("Morimoto"); claims 1, 3 and 5-14¹ under 35 U.S.C. § 103 over Khan et al. U.S. Patent No. 6,034,752 ("Khan"); and claims 1, 3, 5 and 15-19 under 35 U.S.C. § 102 over Young et al. U.S. Patent 6,153,254 ("Young").

Applicants respectfully traverse those rejections for at least the following reasons.

Morimoto

Claim 1

Among other things, the display device of claim 1 includes a conductor layer that, at least within a viewing area of the display device, substantially completely covers a corresponding part of the substrate.

The Office Action states that FIG. 7 shows "a conductor pattern 12 and 13."

Applicants respectfully disagree.

The embodiment shown in FIG. 7 of Morimoto does not include any element 13. No element 13 is shown in FIG. 7, nor is it described anywhere in the specification with respect to FIG. 7. The Office Action states that wiring conductors L of FIG. 7 are "made up of anode conductors 13," citing col. 7, lines 3-23. However, the col. 7, lines 3-23 doesn't even **mention** any "anode conductors 13." Accordingly, Applicants respectfully traverse this statement, and furthermore respectfully submit

¹ The Office Action stated that claims 1, 3 and 5-19 were rejected over Khan, but there is no further mention of claims 15-19 in the discussion of Khan. This appears to be the same typographical error that appeared in the previous two Office Actions with respect to the application, and has been carried over by the Examiner once again to this Office Action.

that Morimoto does not disclose any element 13 in the embodiment of FIG. 7.

Applicants specifically traverse the statement in the Office Action that col. 4 lines 28-32 of Morimoto teaches that in the embodiment of FIG. 7, anodes located in the holes P "are composed of anode conductor parts 13." Applicants respectfully submit that the text at col. 4, lines 28-32 pertains to the embodiment of FIGs. 2 and 3, and does not refer to or mention at all the very different embodiment of FIG. 7. Indeed, as taught in col. 7, lines 3-7, the embodiment of FIG. 7 has a completely different arrangement for the anode conductors, "**forming wiring conductors for anodes 15 separate from a metal film 12.**"

Accordingly, it is not possible for FIG. 7 of Morimoto to disclose the device of claim 1.

The Office Action further states that "[e]ven without the parts 13, the metal film 12 alone in FIG. 7 substantially completely covers the substrate."

Applicants respectfully disagree.

FIG. 7 clearly shows numerous large, gaping openings P in the metal film 12 to define the seven segments of the seven segment display! Meanwhile, in the specification Applicants have clearly defined the term "substantially completely" to mean that the conductor pattern fills at least 80% of the viewing area (page 2, lines 1-3). Neither any text in Morimoto nor any inspection of FIG. 7 would indicate that the metal layer 12 fills at least 80% of the viewing area of the device. Indeed, Morimoto does not appear to delineate the viewing area of the device of FIG. 7, but there would typically be no reason for it to be much larger than the area occupied by the seven segments or openings "P." So Applicants respectfully submit that Morimoto does not disclose in the device of FIG. 7 that, at least within a viewing area of the display device, the metal layer 12 substantially completely covers a corresponding part of the substrate.

Applicants also specifically traverse the statement in the Office Action that the embodiment of FIG. 1 of the present specification "appears to have the same openings (6)." As very clearly seen in the cross-sectional view of FIG. 2, the "openings" 6 in FIG. 1 are not openings in the ITO electrode layer 4, but rather are

openings in the insulating layer 5 where the electroluminescent material 8 is provided to contact the ITO electrode layer 4!

Therefore, Applicants respectfully submit that FIG. 7 of Morimoto does not disclose or suggest any device wherein, at least within a viewing area of the display device, a conductor pattern substantially completely covers a corresponding part of the substrate. Therefore, Applicants respectfully submit that claim 1 is patentable over Morimoto.

Also among other things, in the display device of claim 1, the parts of the conductor pattern which define pixels are substantially mutually separated by partitioning paths having a minimal path width defined by process parameters for fabricating the conductor pattern.

Applicants respectfully submit that no such feature is disclosed or suggested by Morimoto.

The Examiner has attempted to define "minimal path width" as simply a "very small or slight" path width, in accordance with a conveniently-selected one among many definitions for "minimal" provided by Miriam-Webster's Collegiate Dictionary, Tenth Edition.

Applicants respectfully submit that the application of such a dictionary definition is not in accordance with the proper rules of claim interpretation under the law, and as expressed by M.P.E.P. § 2111.01, which states that Applicants may provide their own particular definition of a claim term in the specification, as long as the meaning assigned to the term is not repugnant to a term's well known usage (citing In re Hill, 161 F.2d 367, 73 U.S.P.Q. 482 (C.C.P.A. 1947).

The Office Action states that Applicant's have not clearly defined the term "minimal path width" and that the Examiner may therefore resort to the dictionary definition that he selected.

Applicants respectfully disagree.

At the outset, Applicants submit that they have sufficiently clearly defined minimal path width as follows:

"The maximum distance between parts of the conductor pattern is **defined** in that parts of the conductor pattern are mutually separated by partitioning paths having a **minimal path width**. As stated, this distance depends on **process parameters** but particularly on the tolerances of the photolithographic process used. . . .

Although the words 'minimal path width' are used in this context, it will be evident that this minimal path width will not have a constant value in practice, but may locally vary to some extent due to the influence of, for example, etching rates, dust particles, or other influences."

(Specification at page 2, lines 24-33) (emphasis added); and

"the **minimal path width** between parts of the conductor pattern is introduced on the basis of **process parameters**"

(Specification at page 3, lines 7-8) (emphasis added); and, again:

"The conductor paths are designed in such a way that the partitioning paths 13 have a **minimal path width** substantially throughout (**defined by tolerances of the manufacturing process**, such as minimal mask distance, layer thicknesses, etching properties, etc.)."

(Specification at page 4, line 32 - page 5, line 1) (emphasis added); and, yet again:

"this information, together with **the minimal path width** of the paths 13 between parts 4 of the conductor pattern (as **defined by process parameters**) is introduced"

(Specification at page 6, lines 11-12).

Therefore, it is respectfully submitted that the Applicants have *repeatedly*

indicated in the Specification a specific definition of the claim term “minimal path width” as pertaining to a minimal path width that can be provided by available process parameters, such as, photolithography tolerances.

Furthermore, M.P.E.P. § 2111 states that the claim terms must be “given the broadest reasonable interpretation **consistent with the specification**” (emphasis added). Applicants respectfully submit that the dictionary definition selected by the Examiner is not consistent with the specification, as noted above.

M.P.E.P. § 2111 states that “the PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant’s specification” (emphasis added). Note that any enlightenment provided by the specification is to be taken into account even if specific definitions are not provided - as they were here. Furthermore, M.P.E.P. § 2111 provides only that any special meaning assigned to a term must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention.

In view of the numerous citations to the specification provided above, and the recitation in claim 1, Applicants respectfully submits that this requirement has been more than satisfied.

Accordingly, Applicants having provided a clear definition of “minimal path width” in the specification **and in claim 1** as being defined by process parameters, and therefore it is respectfully submitted that Examiner's substitution of a dictionary definition of “vary small” is improper.

The Office Action stated that: (1) Morimoto discloses in FIG. 7 a feature wherein the partitioning paths having a minimal path width (“102 Basis”); and (2) in any event, it would just be obvious to have the partitioning paths be of a minimal path width (“103 Basis”).

Applicants respectfully disagree.

As to the “102 Basis,” the Office Action cites col. 8, lines 24-27 in Morimoto as

allegedly teaching or suggestion partitioning paths having a minimal path width.

Applicants respectfully disagree.

At the outset, Applicants respectfully submit that col. 8, lines 24-27 does not pertain to the embodiment of FIG. 7 which is cited as allegedly disclosing the device Applicant's claim 1.

Furthermore, the cited text only mentions that sections of the nontransparent conductive film 12 are separated by narrow slits. Meanwhile, Applicants respectfully submit that the slits S shown and described with respect to FIG. 7 are not described or shown to be "narrow." Indeed, the slits are sufficiently wide to accommodate wiring conductors L therein. Such slits therefore can not have a "minimal path width defined by process parameters used for fabricating the conductor pattern" as recited in claim 1.

As to the "103 Basis," M.P.E.P. 2143.01 provides that:

"THE PRIOR ART MUST SUGGEST THE DESIRABILITY OF THE
CLAIMED INVENTION"

and

"The level of skill in the art cannot be relied upon to provide the suggestion to combine references. Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999)."

See also, In re Lee, 61 USPQ2d 1430, 1434 ("the examiner can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead the individual to combine the relevant teachings of the references").

Here, the Office Action fails to cite anything in support of the conclusory rejection. In particular, the Office Action fails to cite anything in the prior art suggesting that making partitioning paths having a minimal path width defined by

process parameters used for fabricating the conductor pattern would: (1) make them “[un]noticeable to the unaided eye;”² (2) ensure acceptable contrast; or (3) improve the overall quality of the display. The Office Action also fails to cite anything in the prior art suggesting that one should make the partitioning paths have a minimal path width defined by process parameters used for fabricating the conductor pattern to obtain such benefits.

Finally, claim 1 explicitly recites a minimal path width **defined by process parameters for fabricating the conductor pattern**.

The Examiner has apparently ignored this plain language when examining claim 1. Applicants see no mention of this feature in the rejection. Applicants respectfully submit that this is improper as a matter of law. M.P.E.P. § 2131 provides:

“TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).”

Instead, the Examiner merely gratuitously states that “the addition to claims 1 and 5 of the obvious statement that the minimal path width depends on process parameters does not further define or limit the term ‘minimal’.” Applicants respectfully disagree, and note that even if the words did not “define or limit the term ‘minimal’” they are nevertheless recited features of the claimed invention and it is incumbent upon the Examiner to provide a citation or explanation as to where such recited features are supposedly to be found in the cited reference! The Examiner has not satisfied his burden here. Moreover, Applicants respectfully submit that

² Indeed, the Office Action has not even cited a prior art reference stating that partitioning paths are ever visible to “the unaided eye” or that this presents any kind of problem.

there is absolutely no teaching or suggestion whatsoever anywhere in Morimoto to provide the recited minimal path widths that are defined by process parameters for fabricating the conductor pattern. Indeed, the Examiner has repeatedly conceded that the most that one can glean from Morimoto is that the partitioning paths have a small width, and not that they have any minimal width defined by process parameters for fabricating the conductor pattern. And the numerous sharp corners shown in Morimoto clearly belie any suggestion that Morimoto's portioning paths have any path width that depends on, or is defined by, process parameters!

Specifically, Applicants respectfully submit that Morimoto does not disclose or suggest a feature wherein parts of the conductor pattern which define pixels are substantially mutually separated by partitioning paths having a minimal path width defined by process parameters for fabricating the conductor. Indeed, to the extent that Morimoto reveals anything, FIGs. 2 and 7 seem to indicate sharp corners throughout the partitioning path, instead of a curved shape which could provide a minimal path width defined by process parameters, as recited in claim 1.

Accordingly, for at least all of these reasons, it is respectfully submitted that the device of claim 1 is patentable over Morimoto.

Claims 3-5

Claims 3-5 depend from claim 1 and are therefore deemed patentable over Morimoto for at least the reasons set forth above with respect to claim 1, and for the following additional reasons.

Claim 3

Among other things, the display device of claim 3 includes partitioning paths having a substantially constant path width.

Applicants respectfully submit that Morimoto discloses no such feature.

Again, Morimoto itself appears to be silent about the width of the spacing between conductors. However, the Office Action states that such a feature is shown in FIG. 7.

Applicants respectfully disagree.

The Examiner has merely divined that the spacing between conductors is

substantially constant from nothing more than his own visual interpretation of FIG. 7. However, Applicants respectfully submit that this visual interpretation is wrong. One skilled in the art inspecting FIG. 7 Morimoto would see the numerous sharp corners throughout the partitioning path, instead of a curved shape which could provide a substantially constant path width. The width at these sharp corners is self-evidently greater than the width along the sides. Accordingly, the partitioning paths do not have a substantially constant path width. Thus, FIG. 7 of Morimoto appears to be contrary to the device claimed in claim 3.

At this time, Applicants also wish to note that the statement at page 12, lines 2-3 of the Office Action as to what Morimoto doesn't disclose, reflects an improper application of the burden of claim examination. It is the Examiner's burden to show that all of the features of the claim are positively disclosed or suggested by the prior art. The Examiner cannot meet this burden by citing a reference and then stating that the reference doesn't state that the claimed features aren't present!

Accordingly, for at least this additional reason, it is respectfully submitted that the device of claim 3 is patentable over Morimoto.

Claim 5

Among other things, in the display device of claim 5, at least 80% of the partitioning paths have a minimal path width.

Applicants respectfully submit that Morimoto discloses no such feature.

The Office Action stated that such a feature is shown in FIG. 7. Applicants respectfully disagree.

As noted above, Applicants have defined the term minimal path width in the specification.

Also as noted above, Morimoto does not disclose or suggest providing a minimal path width between adjacent parts of the conductor pattern. Furthermore, it is not possible from inspection of FIG. 7 to determine that any portion of the partitioning paths have a minimal path width - and it is certainly not possible to determine that 80% have a minimal path width. Morimoto is again silent.

Also, regarding the statement in the Office Action that Applicant's disclosure

teaches that minimal paths are not achieved in places where the partition paths form a corner, that is true. But that is completely different from teaching that minimal path widths are not achieved only in places where the partition paths form a corner. That is NOT taught by Applicant's disclosure. Applicants submit that one cannot tell from FIG. 7 that more than 80% of the partitioning paths have a straight or curved path. Moreover, even assuming, *arguendo*, that more than 80% of the partitioning paths in FIG. 7 of Morimoto did have a straight or curved path, that would not mean that 80% of the partitioning paths have a minimal path width.

Accordingly, for at least this additional reason, it is respectfully submitted that the device of claim 5 is patentable over Morimoto.

Khan

Claim 1

Among other things, the display device of claim 1 includes a conductor pattern, parts of which define pixels, wherein at least within the viewing area of the display device, the conductor pattern, viewed transversely to the substrate along a direction from the conductor pattern toward the substrate, substantially completely covers the corresponding part of the first substrate.

No such feature is suggested by Khan.

The Office Action states that Khan discloses a plurality of elongated electrode strips each having a width of 244 microns and a space therebetween of 15-20 microns.

However, Khan never gives any hint or suggestion at all that these elongated electrode strips extend to substantially cover the entire viewing area of the display device. Khan does not indicate the extent of these elongated electrode strips in either direction (either the length or width of the device), and nothing can be discerned in this regard from FIG. 6, cited by the Examiner, which does not show an entire viewing area of the display.

The Office Action states, without citation or support, that it would have been obvious to have the electrode strips extend to substantially cover the entire viewing area of the display device.

M.P.E.P. 2143.01 provides that:

"THE PRIOR ART MUST SUGGEST THE DESIRABILITY OF THE CLAIMED INVENTION"

and

"The level of skill in the art cannot be relied upon to provide the suggestion to combine references. Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999)."

See also, In re Lee, 61 USPQ2d 1430, 1434 ("the examiner can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead the individual to combine the relevant teachings of the references").

Here, the Office Action fails to cite anything in support of the conclusory rejection. The Office Action fails to even establish that such a feature is even possible with a device such as Khan's.

Accordingly, Khan does not disclose or suggest a display device having a conductor pattern, parts of which define pixels, wherein at least within a viewing area of the display device, the conductor pattern, viewed transversely to the substrate along a direction from the conductor pattern toward the substrate, substantially covers the corresponding part of the first substrate.

Furthermore, in the display device of claim 1, the parts of the conductor pattern are substantially mutually separated by partitioning paths having a minimal path width defined by process parameters for fabricating the conductor.

Khan does not disclose providing any minimal path width between adjacent parts of the conductor pattern. The Examiner has stated that the spacings between electrodes in Khan are 15-20 microns.

As explained above with respect to Morimoto, this is not a minimal path width

defined by process parameters for fabricating the conductor. Khan makes no mention of minimal path widths and Applicants respectfully submit that the bare numerical values quoted by the Examiner do not disclose or suggest the specifically defined features of Applicants' claimed invention.

The Office Action states, without citation or support, that it would have been obvious to make the partitioning paths have a minimal path width defined by process parameters (1) to increase the area of the display that is optically controllable;" (2) to improve the contrast of the display; or (3) to provide images the appearance of being continuous to the unaided eye.

M.P.E.P. 2143.01 provides that:

"THE PRIOR ART MUST SUGGEST THE DESIRABILITY OF THE CLAIMED INVENTION"

and

"The level of skill in the art cannot be relied upon to provide the suggestion to combine references. Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999)."

See also, In re Lee, 61 USPQ2d 1430, 1434 ("the examiner can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead the individual to combine the relevant teachings of the references").

Here, the Office Action fails to cite anything in support of the conclusory rejection. In particular, the Office Action fails to cite anything in the prior art suggesting that one should make the partitioning paths have a minimal path width defined by process parameters (1) to increase the area of the display that is optically controllable;" (2) to improve the contrast of the display; or (3) to provide images the appearance of being continuous to the unaided eye.

Furthermore, such a suggestion flies in the face of Khan's explicit disclosure that the partitioning paths on either side of the display have different widths (15 microns on one side; 20 microns on the other). How can the partitioning path having the width of 20 microns have a minimal path width as defined by process parameters when another partitioning path in the same device has a width of 15 microns?

Accordingly, for at least these reasons, it is respectfully submitted that the device of claim 1 is patentable over Khan.

Claims 3 and 5-9

Claims 3 and 5-9 depend from claim 1 and are therefore deemed patentable over Khan for at least the reasons set forth above with respect to claim 1.

Claim 3

Among other things, in the display device of claim 3 the partitioning paths having a substantially constant path width.

Applicants respectfully submit that Khan discloses no such feature. Indeed, since Khan explicitly discloses that within the same device the width varies between 15 and 20 microns, the partitioning paths cannot have a substantially constant path width.

Claim 5

Among other things, in the display device of claim 5, at least 80% of the partitioning paths have a minimal path width.

Applicants respectfully submit that Khan discloses no such feature. Indeed, since Khan explicitly discloses that within the same device the width varies between 15 and 20 microns, it seems apparent that at least 80% of the partitioning paths do not have a minimal path width.

Claim 10

The device of claim 10 includes a first conductor pattern on a side of the first substrate nearest the second substrate, defining pixels of the display device and, within a viewing area of the device, substantially completely covering the first substrate, and a second conductor pattern, on a side of the second substrate nearest the first substrate, that substantially completely covers the second substrate.

No device having such a combination of features is disclosed by Khan.

The Office Action states that Khan discloses a plurality of elongated electrode strips each having a width of 244 microns and a space therebetween of 15-20 microns.

However, as noted above, Khan never gives any hint or suggestion at all that these elongated electrode strips extend within a viewing area of the device to substantially completely cover any substrate. Khan does not indicate the extent of these elongated electrode strips in either direction (either across the length or the width of the substrate) and such cannot be seen in FIG. 6.

Again, the Office Action states, without citation or support, that it would have been obvious to have the electrode strips extend to substantially cover the entire viewing area of the display device.

Again, Applicants respectfully traverse that statement.

Therefore, Khan does not suggest a display device having a first conductor pattern on a side of the first substrate nearest the second substrate, defining pixels of the display device and, within a viewing area of the device, substantially completely covering the first substrate, and a second conductor pattern, on a side of the second substrate nearest the first substrate, that substantially completely covers the second substrate.

Accordingly, for at least these reasons, it is respectfully submitted that the device of claim 10 is patentable over Khan.

Claims 11 and 13-14

Claims 11 and 13-14 depend from claim 10 and are therefore deemed patentable over Khan for at least the reasons set forth above with respect to claim 10, and for the following additional reasons.

Claim 13

Among other things, the device of claim 13 includes first and second partitioning paths, each of which has a minimal path width along at least 80% of a length thereof.

As noted above with respect to claim 1, Applicants respectfully submit that

Khan does not disclose that the first and second partitioning paths having a minimal path width.

Accordingly, for at least this additional reason, it is respectfully submitted that claim 13 is patentable over Khan.

Young

The Office Action rejects claims 1, 3, 5 and 15-19 under 35 U.S.C. § 102 over Young.

In the immediately preceding Office Action dated 2 December 2003, the Examiner stated that:

“Figs. 1, 2a, and 2b **do not** show the viewing area of the display device”

Office Action dated 2 December 2003, page 8, line 3 (emphasis added).

Because such explicitly recited features of claims 1 and 15 were notably absent from Young's disclosure, in the previous Office Action the Examiner did not reject claims 1, 3, and 15-19 under U.S.C. § 102, but instead based the rejection only on U.S.C. § 103, arguing that: “one of ordinary skill in the art at the time the invention was made would have found it obvious to have the electrode patterns 2 and 8 extend the length and width of the viewing area” (page 8, lines 3-5). However, Applicants subsequently filed a “Statement of Common Ownership” which disqualified the Young patent as prior art under 35 U.S.C. § 103.

Now, mysteriously, without **any** further elaboration or explanation whatsoever, the Examiner states in this latest Office Action that:

“FIGs. 1, 2a, and 2b show the electrode patterns extending the length and the width of the viewing area and subsequently that the formed conductor pattern 2 substantially completely covers the substrate 1 within at least the viewing area of the device.”

Office Action dated 28 July 2004, page 7, lines 14-16.

This is clearly a direct contradiction of the Examiner's own earlier admission, and it is offered here without any explanation or elaboration whatsoever!

Applicants respectfully submit that the Examiner had it right the first time. Young never gives any hint or suggestion at all that the electrode strips 2 or 8 substantially cover a substrate within the viewing area of the display device and indeed, from inspection of FIG. 1 and 2A-B, it appears that certainly at least strips 8 do not do so!

Although stated nowhere in the office Action, in a telephone conversation between the Examiner and the undersigned attorney on 25 October 2004, the Examiner explained that it was his position that it was inherent in Young's disclosure that "the electrode patterns extending the length and the width of the viewing area and subsequently that the formed conductor pattern 2 substantially completely covers the substrate 1 within at least the viewing area of the device."

Applicants respectfully traverse this statement.

"The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. ... To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'"

M.P.E.P. § 2112 (citations omitted) (emphasis added).

Numerous devices like Young's exist where the formed conductor pattern completely does not cover the substrate within at least the viewing area of the device. Clearly, therefore, such a feature is not necessarily present in Young's disclosure. Accordingly, Applicants respectfully submit that it is absolutely not

"inherent" that the formed conductor pattern 2 in Young completely covers the substrate 1 within at least the viewing area of the device.

For at least this reason, Applicants respectfully request that the Examiner withdraw the rejections of all of the claims 1, 3, 5 and 15-19 based on based on Young.

Claim 1

Also among other things, in the display device of claim 1, the parts of the conductor pattern which define pixels are substantially mutually separated by partitioning paths **having a minimal path width defined by process parameters for fabricating the conductor pattern.**

The Office Action states that "the partitioning paths between the electrode strips 2 are shown to have a minimal (very small or slight) path width."

Once again, the Examiner applies his own pet meaning for "minimal" while completely ignoring the meaning clearly provided in the specification and, more importantly, explicitly recited in claim 1.

In particular, the Examiner improperly ignores the explicit claim language: "defined by process parameters for fabricating the conductor pattern." As noted above with respect to Morimoto, this is improper, and directly contrary to the requirements of M.P.E.P. § 2131.

Accordingly, for at least these additional reasons, Applicants respectfully submit that claim 1 is patentable over Young.

Claims 3 and 5

Claims 3 and 5 depend from claim 1 and are deemed patentable over Young for at least the reasons set forth above with respect to claim 1. Moreover, in the device of claim 5, at least 80% of the partitioning paths have a minimal path width set by process parameters for fabricating the conductor pattern. Neither Young nor the Office Action makes any mention of any minimal path width set by process parameters for fabricating the conductor pattern."

Claims 15-19

Among other things, in the display devices of claims 15-19, the first conductor pattern defines pixels of the device. Meanwhile, the Office Action fairly admits that pixels in Young are not defined by the first conductor pattern, but instead are defined by "locations where the second conductor pattern 8 overlaps the first conductor pattern 2." Indeed, as anyone skilled in the art would immediately recognize, the first conductor pattern 2 does not "define the pixels" in Young's device.

Therefore, it is not possible for Young to disclose the devices of claims 15-19.

Accordingly, for at least this additional reason, Applicants respectfully submit that the devices of claims 15-19 are patentable over Young.

CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1 and 3-19 and pass the application to issue.

In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact the undersigned attorney to discuss these matters.

Respectfully submitted,

Date: 28 October 2004

By:



Kenneth D. Springer
Registration No. 39,843

VOLENTINE FRANCO & WHITT, P.L.L.C.
One Freedom Square
11951 Freedom Drive, Suite 1260
Reston, Virginia 20190
Telephone No.: (703) 715-0870
Facsimile No.: (703) 715-0877